

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1193 OF 2006

Shri Ramchandra Dagdu Nikte ... Petitioner

Vs.

Shri Dinkar Laxman Gaikwad (since deceased) & Ors. ... Respondents

Mr. V.G. Mujumdar for the petitioner.

Mr. Uday Warunjikar for respondent 2.

Mr. Pradip Shingate for respondent 3.

CORAM : SMT. RANJANA DESAI, J.

DATED : 8TH DECEMBER, 2006.

P.C. :-

1. The petitioner has challenged in this petition order dated 3/9/2003 passed by the Judicial Magistrate, First Class, Court No.7, Pune in Regular Criminal Case No.271 of 1995 discharging the accused of the offence under section 420 read with section 34 of the I.P.C. and the order dated 4/1/2006 passed by the Additional Sessions Judge, Pune, whereby the revision filed by the petitioner/original complainant was dismissed.

2. I have heard the learned counsel for the parties. The learned counsel for the petitioner strenuously contended that the courts below have erred in taking a view that there is nothing to suggest that the accused had induced the complainant to enter into an agreement to sell or that the accused had fraudulently or dishonestly acted. He submitted that both the courts have erred in coming to the conclusion that no criminal offence is disclosed.

3. I am unable to accept the submissions advanced by the learned counsel. In my opinion, the concurrent views expressed by the courts below cannot be faulted. It is pertinent to note that the petitioner has in his evidence admitted that he has filed the instant complaint so that the accused should arrive at a compromise in a civil suit filed by him. In my opinion, the dispute is entirely of a civil nature. No interference is necessary with the impugned orders. Petition is disposed of.

[SMT. RANJANA DESAI, J.]